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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,973	06/10/2004	Andrew Scott Argersinger	GEMS 0242 PUS	3972
27256	7590	11/16/2005	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			RAMIREZ, JOHN FERNANDO	
			ART UNIT	PAPER NUMBER
			3737	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,973

Applicant(s)

ARGERSINGER ET AL.

Examiner

John F. Ramirez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 11-14, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenn et al. (US 6,470,217).

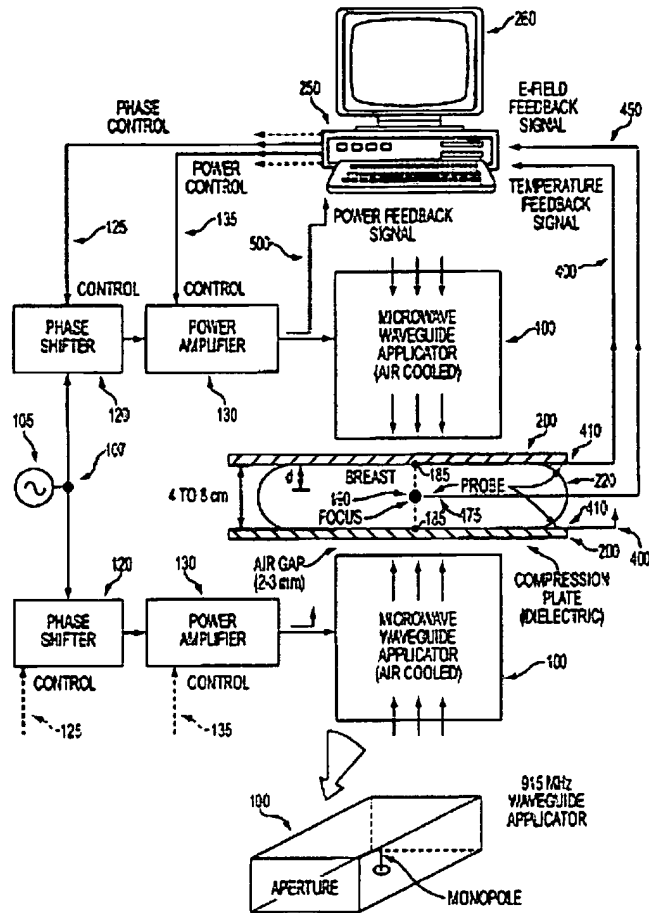


FIG. 5

Fenn et al. discloses a mammography imaging assembly comprising: a gantry frame assembly; an imaging signal generation assembly mounted to said imaging frame; an imaging detector bucky mounted to said imaging frame assembly, said imaging detector bucky comprising a patient exposure surface facing said imaging signal generation assembly (Fig. 5 and 6), at least one thermo sensor assembly positioned to monitor temperature at said patient exposure surface (410, Figure 5); a thermo generating element in thermal communication with said patient exposure surface (col. 11, lines 4-

45); a logic in communication with said at least one thermo sensor assembly and said thermo generating element, said logic utilizing information from said at least one thermo sensor to control heat generated by said thermo generating element such that the temperature of said patient exposure side is controlled (col. 11, lines 4-45); and a compression paddle movably positioned between said imaging signal generation assembly and said imaging detector bucky (200, Figure 5), wherein said thermo generating element comprises a thermo electric element positioned within said imaging detector bucky (col. 4, lines 57-62), wherein said logic is in communication with said imaging signal generation assembly, said logic adapted to remove power from said thermo generating element prior to activating said imaging signal generation assembly (Fig. 5, col. 11, lines 4-45), wherein said logic is further adapted to: lower said compression paddle into thermal communication with said thermo generating element; and raising said compression paddle prior to activating said imaging signal generation assembly (col. 11, lines 21-45), and wherein said thermo generating element comprises a radiolucent cover surrounding said imaging detector bucky (col. 5, lines 41-53), said imaging detector bucky comprises an upper bucky surface defining an imaging region, said at least one thermo sensor assembly positioned outside said imaging region (410, Figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenn et al., in view of Ellis et al. (US 6,924,467).

Fenn et al., teaches all the limitations of the claimed subject matter except for mentioning specifically a thermo generating element comprising: a heater array comprising a conductive polymer coating bonded to a film base, wherein said conductive polymer coating comprises carbon flakes suspended in a liquid polymer, a heater array comprising a conductive polymer coating bonded to a film base and a protective film layer laminated to said film base.

However, a thermo generating element comprising: a heater array comprising a conductive polymer coating bonded to a film base, wherein said conductive polymer coating comprises carbon flakes suspended in a liquid polymer, a heater array comprising a conductive polymer coating bonded to a film base and a protective film layer laminated to said film base are considered conventional in the art as evidenced by the teachings of Ellis et al. (US 6,924,467).

The Ellis et al. patent teaches a thermo generating element comprising: a heater array comprising a conductive polymer coating bonded to a film base, wherein said

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conductive polymer coating comprises carbon flakes suspended in a liquid polymer, a heater array comprising a conductive polymer coating bonded to a film base and a protective film layer laminated to said film base.

Based on the above observations, for a person of ordinary skill in the art, modifying the method disclosed by Fenn et al., with the above discussed enhancements would have been considered obvious because such modifications would have improved a mammography imaging assembly by using a carbon-filled polymer heating element that is radiolucent so the patient can be X-rayed while situated on the heating surface without any discomfort, thereby avoiding time-consuming.

Claims 6, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenn et al., in view of Higgins et al. (US 6,765,984).

Fenn et al., teaches all the limitations of the claimed subject matter except for mentioning specifically a thermo generating element comprises a non-radiolucent cover surrounding said imaging detector bucky, and wherein said non-radiolucent cover is removed in response to said compression paddle moving away from said imaging detector bucky.

However, a thermo generating element comprises a non-radiolucent cover surrounding said imaging detector bucky, and wherein said non-radiolucent cover is removed in response to said compression paddle moving away from said imaging detector bucky are considered conventional in the art as evidenced by the teachings of Higgins et al. (US 6,765,984).

Based on the above observations, for a person of ordinary skill in the art, modifying the method disclosed by Fenn et al., with the above discussed enhancements would have been considered obvious because such modifications would have improved a mammography imaging assembly by using a carbon-filled polymer heating element that is radiolucent so the patient can be X-rayed while situated on the heating surface without any discomfort, thereby avoiding time-consuming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F. Ramirez whose telephone number is (571) 272-8685. The examiner can normally be reached on (Mon-Fri) 7:30 - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JFR

11/08/05



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